

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

JEFFREY ALAN FLORREICH,

Plaintiff,

v.

VICTORIA LYNNE MEISTER, et al.,

Defendant.

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DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT AL

Civil Action No. 3:06cv442-M  
(Tallapoosa County Case No.  
CV-06-47)

NOTICE OF REMOVAL

The Defendant, VICTORIA LYNNE MEISTER, by and through undersigned counsel, removes this case to the United States District Court for the Middle District of Alabama, Northern Division, and as grounds therefore respectfully show unto the Court the following:

1. The Plaintiff, Jeffrey Alan Florreich, is believed to be an adult resident citizen of Jefferson County, Alabama.
2. The Defendant, Victoria Lynne Meister, is an adult resident citizen of Carroll County, Georgia.
3. Jurisdiction is based upon diversity of citizenship, pursuant to 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(a).
4. The Plaintiff has filed a lawsuit against the Defendant in the Circuit Court of Tallapoosa County, Alabama. A copy of the Complaint is attached hereto at Exhibit "A", and is made a part hereof.
5. The Plaintiff is seeking damages for an amount in controversy greater than \$75,000.00 exclusive of interest and costs.

6. According to the Plaintiff's Complaint, on or about April 24, 2004, the Plaintiff was a passenger in a vehicle being driven on U.S. Highway 280, when a motor vehicle operated and/or occupied by the Defendant collided with the vehicle in which the Plaintiff was riding as a passenger. (Exhibit "A", Plaintiff's Complaint). As a result of the impact, the Plaintiff alleges that he suffered severe injuries. The Plaintiff's cause of action for wantonness raises the possibility of punitive damages, which are being demanded in this case, in addition to compensatory damages. Further, the Plaintiff has alleged other elements of damages including mental anguish and pain and suffering, which are discretionary with the jury and have no limit, and a claim for damages for past and future medical expenses and lost wages.

7. The Plaintiff's Complaint does not state a particular amount of damages sought. Accordingly, the Court must look to the potential for recovery under the type of damages sought for the causes of action presented. Holley Equipment Co. vs. Credit Alliance Corp., 821 F.2d 1531, 1535 (11th Cir. 1987). Based upon the Plaintiff's severity of injuries and potential for punitive damages as demanded by the Plaintiff, the amount in controversy exceeds, exclusive of interest and costs, the sum of \$75,000.00. Indeed, the settlement demand by Plaintiff before filing suit was a monetary amount substantially in excess of \$75,000.00.

8. The Defendant is filing this Notice of Removal within thirty (30) days after she received service of the Complaint from which it could first be ascertained that this case is one in which is or has become removable pursuant to 28 U.S.C. §1446(b).

9. There are no other Defendants to this action other than the aforementioned, and the Defendant is removing this case within the applicable time period, pursuant to the aforesaid statutes.

10. Upon the filing of this notice, the Defendant has given written notice thereof to the attorney for the Plaintiff and has filed a copy of the removal proceedings and notice with the Circuit


Court Clerk of Tallapoosa County, Alabama, all in accordance with the law.

11. The prerequisites for removal under 28 U.S.C. §1441 have been met.

12. If any question arises as to the propriety of the removal of this action, the Defendant requests the opportunity to present a brief and/or oral argument in support of its position that this case is removable.

**WHEREFORE**, the Defendant Victoria Lynne Meister, prays that the removal of said cause to the United States District Court for the Middle District of Alabama, Northern Division, be effected and no further or other proceedings may be had with respect to this matter in the Circuit Court of Tallapoosa County, Alabama, pending a final decision and determination of this controversy in the United States District Court.

Respectfully submitted,



/s/ Alex L. Holtsford, Jr.

S/ ALEX L. HOLTSFORD, JR. (HOLT9586)

S/ SUSAN DEGHANI- SANICH (DEHGS0677)

Counsel For Defendant Victoria Lynne Meister

OF COUNSEL:

NIX HOLTSFORD GILLILAND

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(334) 215-8585

(334) 215-7101 (fax)

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day, electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of each filing to the following:

Michael L. McKerly  
Pritchard, McCall & Jones, L.L.C.  
800 Financial Center  
505 North 20<sup>th</sup> Street  
Birmingham, Alabama 35203-2605

This the 15 day of May, 2006.

  
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OF COUNSEL